

## **EXHIBIT 4**

**[PROPOSED] ORDER GRANTING TRUSTEE'S  
MOTION *IN LIMINE* NUMBER 4 TO EXCLUDE  
EXHIBITS NOT PRODUCED DURING DISCOVERY**

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

J. EZRA MERKIN, GABRIEL CAPITAL, L.P.,  
ARIEL FUND LTD., ASCOT PARTNERS, L.P.,  
ASCOT FUND LTD., GABRIEL CAPITAL  
CORPORATION,

Defendants.

Adv. Pro. No. 09-01182 (SMB)

**[PROPOSED] ORDER GRANTING MOTION *IN LIMINE*  
NUMBER 4 TO EXCLUDE DOCUMENTS NOT PRODUCED DURING DISCOVERY**

Upon consideration of the Notice of Trustee's Motions *In Limine* Numbers 1 through 4, Trustee's Motion *In Limine* and Memorandum of Law Number 4 to Exclude Documents Not Produced During Discovery (the "Motion") dated April 7, 2017, ECF No. \_\_\_\_\_, filed by Irving H. Picard, as trustee ("Trustee") for the substantively consolidated liquidation of Bernard L.

Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. § 78aaa *et seq.*, and the chapter 7 estate of Bernard L. Madoff (“Madoff”); the Declaration of Lan Hoang in Support of Trustee’s Motions *In Limine* Numbers 1 through 4 dated April 7, 2017, ECF No. \_\_\_\_; and it appearing that due and proper notice of the Motion and the relief requested therein having been given, and no other further notice needing to be given; and a hearing having been held on the Motion on \_\_\_\_\_ (the “Hearing”); and this Court having jurisdiction to consider the Motion pursuant to 28 U.S.C. §§ 157 and 1334; and the Court having reviewed the Motion, responsive pleadings, the arguments of counsel at the Hearing and the record in this case, **IT IS HEREBY:**

**ORDERED**, that the following exhibits shall not be admitted into evidence at the trial in the above-captioned adversary proceeding, whether as affirmative or rebuttal evidence:

- (28) Black Oak;
- (29) Bracebridge;
- (830) NYAG SJ Ex. 93;
- (831) NYAG SJ Ex. 94; and
- (832) NYAG SJ Ex. 95.

**IT IS HEREBY FURTHER ORDERED**, that the Court retains jurisdiction to enforce and implement the terms and provisions of this Order.

Dated: \_\_\_\_\_  
New York, New York

\_\_\_\_\_  
HONORABLE STUART M. BERNSTEIN  
UNITED STATES BANKRUPTCY JUDGE